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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 v.

14
15 MICHAEL GOMEZ,
16 Defendant.

)
) No. CR 09-00743 SBA

)
) STIPULATION AND ORDER FOR
) CONTINUANCE OF CHANGE OF
) PLEA AND SENTENCING DATE
)

17 IT IS HEREBY STIPULATED, by and between the parties to this action, that the change of
18 plea and sentencing date in this case, currently scheduled for July 20, at 10:00 a.m. before Honorable
19 Judge Sandra Brown Armstrong, may be continued to Tuesday, October 5, 2007, at 10:00 a.m. for
20 change of plea and sentencing. The reason for the request is that defense counsel needs additional
21 time to review the draft pre-plea report with Mr. Gomez, and provide comments to the United States
22 Probation Officer prior to the issuance of the final pre-plea report. The additional time would also
23 allow defense counsel to obtain documents relating to Mr. Gomez' mental condition and provide
24 them to the United States probation officer and the government prior to sentencing. United States
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1 Probation Officer John D. Woods has been notified and has no objection to the proposed
2 continuance. He is available should the Court continue sentencing to that date.

3 The parties stipulate that the time from July 20, 2010, to October 5, 2010, should be excluded
4 in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) for adequate
5 preparation of counsel to allow counsel additional time to review the agreement and obtain relevant
6 documents. The Court also could exclude time under 18 U.S.C. §3161(h)(1)(G) as it continues to
7 consider the proposed plea agreement to be entered into by the defendant and the attorney for the
8 Government.
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11 DATED: 7/09/10

/s/
JOYCE LEAVITT
Assistant Federal Public Defender

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14 DATED: 7/09/10

/s/
CHRISTINA MCCALL
Assistant United States Attorney

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19 I hereby attest that I have on file all holographed signatures for any signatures indicated by a
20 conformed signature (/s/) within this e-filed document.
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ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the change of plea and sentencing date in this case, currently scheduled for July 20, 2010, at 10:00 a.m. before Honorable Judge Saundra Brown Armstrong, may be continued to Tuesday, October 5, 2010, at 10:00 a.m. for change of plea and sentencing.

IT IS FURTHER ORDERED that the time from July 20, 2010, to October 5, 2010, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A), and (h)(1)(G) for adequate preparation of counsel, so that defense counsel can obtain additional documents in support of sentencing and review the pre-plea report with Mr. Gomez, and in order for the Court to continue considering the proposed plea agreement to be entered into by the defendant and the attorney for the Government. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial and the failure to grant the requested continuance would unreasonably deny the defendant's counsel the reasonable time necessary for effective preparation, taking into account due diligence.

SO ORDERED.

DATED:7/13/10


HONORABLE SAUNDRA BROWN ARMSTRONG
United States District Judge